

1 Feb 26, 2020
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SEAN F. MCVOY, CLERK

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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8 JUAN MANUEL FERNANDEZ,
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Movant,

10 -vs-
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12 UNITED STATES OF AMERICA,
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14 Respondent.
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16 No. 2:12-CR-0125-WFN-1
17 ORDER ON § 2255 MOTION
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19 Before the Court is Movant's 28 U.S.C. § 2255 Motion to Vacate, Set Aside or Correct
20 Sentence. ECF No. 80. The Motion is submitted by Mr. Fernandez, who is appearing *pro se*
21 in these proceedings. The pending Motion is Mr. Fernandez's second § 2255 motion. As
22 explained in the Court's Order issued on January 26, 2017, a petitioner must obtain
23 permission from the Ninth Circuit before this Court has jurisdiction to consider a successive
24 § 2255. ECF No. 84. No such permission has been granted. The Court has reviewed the
25 file and is fully informed. Accordingly,

26 **IT IS ORDERED** that Movant's Motion to Vacate, Set Aside or Correct Sentence by
27 a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed June 24, 2016, **ECF No. 80**,
28 is **DENIED** with the right to renew if the Ninth Circuit grants permission.

29 The District Court Executive is directed to:

30

- 31 • File this Order,
- 32 • Provide copies to counsel and *pro se* Movant
- 33 • **CLOSE** the corresponding civil file, 2:16-CV-0231-WFN-1.

34 **DATED** this 26th day of February, 2020.

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37 WM. FREMMING NIELSEN
38 SENIOR UNITED STATES DISTRICT JUDGE
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